

M St., SW., Washington, DC 20460.
Office location and telephone number:
Rm. 226, Crystal Mall No. 2, 1921
Jefferson Davis Highway South,
Arlington, VA 22202, (703) 305-6426. e-
mail jamula.john@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(i)(5) of FIFRA, as amended in October, 1988 and again in December, 1991 requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under section 3 as well as those granted under section 24(c) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use pesticides when she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. The Agency has waived the fee for 52 minor agricultural use registrations at the request of the registrants.

In late November, 1994, all holders of either section 3 registrations or section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. They were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most responses were received by the statutory deadline of January 15. A notice of intent to cancel was sent in mid-March to companies who did not respond and to companies who responded, but paid for less than all of their registrations. Late payments of the fees were accepted until April 15, when the actual process of cancellation was begun.

Since mailing the notices, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered.

Maintenance fees have been paid for about 16,704 section 3 registrations, or about 95 percent of the registrations on file in December, 1994. Fees have been paid for about 2,574 section 24(c) registrations, or about 90 percent of the total on file in November, 1994. Cancellations for non-payment of the maintenance fee affect about 940 section 3 registrations and about 275 section 24(c) registrations.

II. Product Cancellations not affecting status of Active Ingredient

In the case of all but four section 3 registrations discussed in Section III below, the active ingredients will remain available in other registered products. We anticipate two types of impact for the bulk of these cancellations. First, some of these disappearing registrations will be survived in the market by substantially identical registrations. These substantially identical products may not, however, be readily available wherever a disappearing product was sold, so there may be local or regional disruptions while distribution patterns are adjusted. We expect these disruptions to be minor and temporary.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until January 15, 1996, the due date for the next annual registration maintenance fee. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the U.S. and which have been packaged, labeled and released for shipment prior to the effective date of the order.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through Special Reviews or other Agency actions. These general provisions for disposition of stocks

should serve in most cases to cushion the impact of these cancellations while the market adjusts.

Second, in some cases unique non-agricultural uses will disappear, although the active ingredients will remain available for different uses in other products. When this situation occurs, there may be more serious impacts on users of the canceled products. Once again, existing stocks of the canceled products already in channels of trade will be usable to mitigate these impacts in the short term. For the longer term the mechanisms of section 3 amendments and 24(c) registrations will remain available to obtain replacement registrations.

Neither of these types of impact leaves users without the means to replace lost registrations; neither is considered to justify further deferral of cancellations for non-payment of the maintenance fee. Thus all these registrations for which the active ingredient will remain in other products have been canceled.

III. Cancellations Leading to Disappearance of Active Ingredients

A second type of impact arises if an active ingredient that is now or has recently been available in the marketplace disappears. The Agency believes there are four registered active ingredients in this category. Of these four active ingredients, none has been subject to prior regulatory action and all are likely to disappear as a consequence of these cancellations. One is a plant growth regulator; one is a microbial; one is a microbiocide, and one is a bacteriostat. If the last section 3 registration for an ingredient disappears, the section 24(c) registration process is unlikely to be able to compensate for the loss.

These four ingredients, grouped by these same general categories of use patterns, are listed along with the EPA Company Number of their registrants in the following Table 1.

TABLE 1. -- ACTIVE INGREDIENTS WITH RECENT PRODUCTION PENDING CANCELLATION OF ALL PRODUCTS FOR NON-PAYMENT OF 1995 REGISTRATION MAINTENANCE FEES, IN SEQUENCE BY BROAD USE PATTERN

Chemical Name	Registration No.	Product Name
A. Plant Growth Regulator. Glyphosate, Sesquisodium	000524-00332	Polado Plant Growth Salt Regulator
B. Microbial Pesticide. Bacillus Thuringiensis subsp. san diego	053219-00001	M-ONE Insecticide
C. Microbiocide. Amines, N-coco alkyl-trimethylenedi-, adipates ...	010349-00014	NALCO VISCO 1151
D. Bacteriostat. Quaternary ammonium compounds, benzyl-C10- 18-alkylbis(hydroxy ethyl)-, chloride.	010349-00003	NALCO ADOMALL